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Intergenerational solidarity and the needs of future generations

Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraph 86 of the outcome document of the United Nations Conference on Sustainable Development, in which the Secretary-General was invited to present a report on the need for promoting intergenerational solidarity for the achievement of sustainable development, taking into account the needs of future generations.

The report evaluates how the need for intergenerational solidarity could be addressed by the United Nations system and analyses how the issue of intergenerational solidarity is embedded in the concept of sustainable development and existing treaties, declarations, resolutions and intergovernmental decisions. It also reviews the conceptual and ethical underpinnings of intergenerational solidarity and future generations and how the issue has been taken into consideration in policymaking in a variety of institutions at the national level.

The report outlines options for possible models to institutionalize concern for future generations at the United Nations, suggesting options for the way forward.

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I. Introduction

1. The present report has been prepared pursuant to paragraph 86 of the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", in which it was agreed to consider the need for promoting intergenerational solidarity for the achievement of sustainable development, taking into account the needs of future generations, including by inviting the Secretary-General to present a report on the issue. The outcome document was subsequently endorsed by the General Assembly in its resolution 66/288.

2. The purpose of the present report is to consider both the need for intergenerational solidarity, taking into account the needs of future generations, and to evaluate how this need could be addressed by the United Nations system. The report analyses how the issue of intergenerational solidarity is embedded in the concept of sustainable development and existing treaties, declarations, resolutions and intergovernmental decisions. It reviews the fundamental ethical underpinnings of intergenerational solidarity and future generations and examines how the needs of the future generations have been taken into consideration in policymaking at the national level, in a variety of institutions. Lastly, the report outlines possible models for institutionalizing concern for future generations at the United Nations, suggesting options for the way forward.

II. Conceptual framework

3. A dedication to future generations is visible worldwide and across cultures. It is a value universally shared by humanity. This value is fundamental to constitutions and international treaties; it is a driving force in the economy; and in households it manifests itself in religious beliefs, traditions and culture. Living members of a community benefit from the sacrifices and investments made by previous generations. Few would question the responsibilities that the world owes to its children and grandchildren, at least in the moral sense if not strictly in law. Our political thinking, mirroring these concerns, speaks to those obligations.

4. The foregoing notwithstanding, responsibility towards future generations, in theory and even more so in practice, is a relatively new concept in the legal and political arenas. It has been suggested that advances in science and technology have driven home the realization that future generations are vulnerable to current acts and policies.[1] Scientific inquiry allows society to understand the long-term impacts of its actions, while technological advancement means that it is in a position to mitigate harmful consequences if it so chooses.

5. Future generations are politically powerless, with the representation of their interests limited to the vicarious concern of present generations. As stated in the report of the World Commission on Environment and Development, entitled "Our common future", "we act as we do because we can get away with it: future generations do not vote, they have no political or financial power; they cannot challenge our decisions" (A/42/427, annex, para. 25).

[1] Ernest Partridge, "Future generations", in *A Companion to Environmental Ethics*, Dale Jamieson, ed. (Malden, Massachusetts, Blackwell Publishers, 2001).

6. Intergenerational solidarity is widely understood as social cohesion between generations. Most frequently, however, it refers to relations between the younger and older generations of those living,[2] including child-parent relationships, social participation of elderly people and children in communities, affordability of pensions and care of the elderly. Increasingly, the scope of family policies related to intergenerational solidarity has been gradually expanding, from a focus on families with young children to the inclusion of all generations, an expansion warranted by rapidly ageing societies where family-oriented policies need to take into account the changing roles and demands of all generations (see A/68/61-E/2013/3, para. 46).

7. The Madrid International Plan of Action on Ageing, 2002, states that solidarity between generations at all levels — in families, communities and nations — is fundamental for the achievement of a society for all ages, a major prerequisite for social cohesion and a foundation of formal public welfare and informal care systems.[3] The Economic and Social Council, in its resolution 2012/10, requested the Commission for Social Development to adopt advancement of social integration and intergenerational solidarity as one of three guiding themes for the preparations for the twentieth anniversary of the International Year of the Family.

8. In the context of sustainable development, intergenerational solidarity goes beyond relations among the currently living representatives of different generations to embrace the future generations who do not yet exist. At the World Summit for Social Development, held in 1995, countries committed themselves to creating a framework of action to, among other things, fulfil their responsibility for present and future generations by ensuring equity among generations and protecting the integrity and sustainable use of the environment.[4] In this view, humanity as a whole forms an intergenerational community in which all members respect and care for one another, achieving the common goal of survival of humankind.

9. Section III of the present report refers to existing treaties and declarations and examines their relevance and significance in elaborating the way forward when promoting intergenerational solidarity and the needs of future generations at the international level. It analyses some of the conceptual and ethical dimensions of the debate around future generations.

A. Conceptual and ethical dimensions

10. Fairness between generations is embedded in the concept of sustainable development; satisfying the needs of the present generation should not come at the expense of generations to come. In broad terms, the pursuit of welfare by the present generation should not diminish the opportunities of succeeding generations for pursuing a good and decent life. Concern for the needs of future generations therefore falls into the category of intergenerational equity or intergenerational justice, which is essentially the allocation of burdens and benefits across generations. Intergenerational equity has been defined as the issue of sustainable development referring, within the environmental context, to fairness in the

[2] See http://ec.europa.eu/public_opinion/flash/fl_269_en.pdf.

[3] *Report of the Second World Assembly on Ageing, Madrid, 8-12 April 2002* (United Nations publication, Sales No. E.02.IV.4), chap. I, resolution 1, annex II, para. 42.

[4] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I, para. 26 (b).

intertemporal distribution of the endowment with natural assets or of the rights to their exploitation.[5] Intergenerational justice is closely related but can be understood as a broader concept that involves, apart from distributive dimensions, procedural, restorative and retributive dimensions.

11. Present generations need to decide the moral ground on which to act towards future generations, especially if it involves significant sacrifices. They also need to understand why leaving the planet to their descendants in at least as good a condition as they found it is the right or good thing to do.

What do we mean by future generations?

12. Although general interest in the future and references to posterity have a long history, serious attention by philosophers to the issue of moral responsibility to future generations is quite recent. Defining the moral status of persons of the future raises unique and extraordinary moral and metaethical problems, to which conventional moral and political theories are unable to provide an adequate response.[6] Calls to act sustainably and save the planet for future generations or for our children and grandchildren appear almost interchangeable. From a moral perspective, however, there are important differences between our children and grandchildren and remote, unborn generations. For one thing, living generations are unambiguously rights holders. Before the concept of intergenerational justice is applied, there needs to be clarity about who exactly falls within the scope of the discussion. It is plausible — and squares with our intuition — that people's concern for what happens in the future and those living in the future tends to be attenuated the further into the future we go. At the same time, it has been argued that the notion that each generation holds the Earth as a trustee or steward for its descendants strikes a deep chord with all cultures, religions and nationalities. For example, the Confederation of the Six Nations of the Iroquois passed on the principle that decisions should take into account the welfare and well-being of the seventh generation.[7] Nearly all human traditions recognize that the living are sojourners on Earth and temporary stewards of its resources.[8]

13. Our moral intuitions and observations of human behaviour lead to the conclusion that many of us tend to care most deeply for those closest to us in time and space, that is, our immediate family, friends and those from groups with which we identify. Geographical — let alone temporal — distance is observed to make a difference in specific expressions of concern for our fellow humans. That said, globalization and the information and communications revolution have tended to shrink space in recent decades, arguably extending our sphere of strong empathy. Technologies have to date done little to shrink the temporal distance between present and future generations. From a moral perspective, efforts and sacrifices aimed at protecting and improving the world for the sake of our children and grandchildren are the most straightforward of actions, yet not immediately obvious are the ethical grounds on which human beings should be treated differently based

[5] *Glossary of Environment Statistics*, Studies in Methods, Series F, No. 67 (United Nations publication, Sales No. E.96.XVII.12).

[6] Stephen M. Gardiner, *A Perfect Moral Storm: The Ethical Tragedy of Climate Change* (Oxford, Oxford University Press, 2011).

[7] See www.sehn.org/bemidjistatement.html.

[8] Edith Brown Weiss, *In Fairness to Future Generations: International Law, Common Patrimony and Intergenerational Equity* (Ardsley, New York, Transnational Publishers, 1989).

on their date of birth, given that this has no bearing on their humanity. Article 1 of the Universal Declaration of Human Rights states that all human beings are born free and equal in dignity and rights, are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The basis for our moral obligations towards future generations is thus argued to be the equal concern and respect that we owe to all humans, regardless of where and when they may have been born.

14. In the case of some global environmental problems, the consequences of our present actions will not appear for decades, or even hundreds of years. For example, some very high-risk impacts of climate change are likely not to fall on our children or grandchildren, but would affect persons born perhaps 5, or 10 or 20 generations hence.

Sacrificing the interests of current generations?

15. The sustainable development agenda is deeply intertwined with issues of intragenerational equity and justice. It is for good reason that the outcome document of the United Nations Conference on Sustainable Development affirms that poverty eradication is the greatest global challenge facing the world today and an indispensable requirement for sustainable development (General Assembly resolution 66/288, annex, para. 2). The fair and equitable distribution of benefits and opportunities among those currently living is one of world's most difficult challenges. Addressing the needs of future generations is, however, not meaningful if not linked to addressing those of current generations. Poverty eradication is not only about intragenerational equity but also about intergenerational equity, given the strong tendency for parent-to-child transmission of poverty. This varies from one society to another depending on social mobility; however, mobility appears to be on the decline in many developed countries, at least in recent decades. The poor are likely to remain poor into the next generation.

16. The vision of sustainable development does not endorse the sacrifice of the legitimate aspirations of the poorest in the name of future generations. At the same time, this in no way implies that the needs of present generations always enjoy priority over those of future generations; at the very least, the poorest and most vulnerable should not be called upon to make sacrifices for the long-term good of humanity.

17. In a world of limited resources, the need to allocate resources among competing interests cannot simply be wished away but must be faced openly. First, this implies that the needs of future generations should be identified and articulated as precisely as possible; current generations should not forego benefits unless it can be reasonably foreseen that this would make a difference. At the same time, small gains for current generations should not be pursued when actions are strongly likely to incur large losses for future generations. Second, decisions made by present generations that materially affect the allocation of burdens and benefits between present and future generations should be arrived at in open, reasoned processes and not by means of closed or indirect systems of decision-making.

18. The point has also been made that the relationship between generations can be articulated in positive terms, with less emphasis on negative trade-offs and greater

emphasis on synergies, or win-win situations.[9] Along these lines, justice is also a matter of equal access to common resources to be shared by humankind over time, rather than just the distribution of private property. This translates to a right to a common heritage, or patrimony, which those alive today enjoy thanks to previous generations, and which should be protected and safeguarded for future generations. Such patrimony includes nature's wealth but also cultural treasures.

Future persons as holders of rights?

19. Even though intuitively many people may agree that present generations have obligations and duties to future generations, in moral and legal terms it is hard to assign moral significance to beings that do not yet exist. Simply put, it is argued that, because they do not yet exist, future persons cannot have rights: they cannot possess anything, which includes rights. In legal terms, it is argued that rights go hand-in-hand with duties; legal duties cannot exist while legal rights are absent, therefore present generations cannot have legal obligations to those of the future. If the rights-holder does not exist, it is difficult to conceive of anyone being under a corresponding duty.

20. The argument is that no particular lives in the future can be improved by present policies because, whichever policy is adopted, it will create a different set of future persons.[10]

21. One response to this view is that the link between rights and duties is not iron-clad, so that it is conceivable that persons can be subject to duties without the strict requirement of a corresponding rights holder. Thus, future generations can be considered the bearers of rights: for example, the right not to be deprived of opportunities owing to the exhaustion of natural resources or not to be harmed by a degraded environment.[1] In this case, present generations would be regarded as subject to a duty to respect these rights.

22. It has also been contended that the environmental rights of future generations might be best captured in terms of group rights, namely, intergenerational planetary rights[s] or community of rights,[11] as distinct from individual rights. There is no consensus about the rights that future people should have; with the rapid advancement of technology and changes in other aspects of human life, it is extremely difficult to claim that we can know what future people would want. A broader agreement exists, however, that there are some basic rights (to life, health, subsistence, peace, etc.) that would be relevant and important to people as biological beings at any time in the future, and that these rights should be protected by present generations insofar as they have the power to do so.

23. One influential view, communitarianism, argues that we are morally bound to future generations through shared membership in a transgenerational community.[12] According to this view, present generations are bound to future generations through cultural interaction and moral similarity; therefore, we have strong obligations to future generations as members of the same community. For some, the applicability

[9] See www.futurejustice.org/wp-content/uploads/2013/07/Global-Conference-Synopsis.pdf.

[10] Derek Parfit, *Reasons and Persons* (Oxford, Oxford University Press, 1984).

[11] Alan Gewirth, *The Community of Rights* (Chicago, University of Chicago Press, 1996).

[12] Avner de-Shalit, *Why Posterity Matters: Environmental Policies and Future Generations* (London, Routledge, 1995).

of a communitarian approach might be questioned in relation to environmental issues that are global in nature. The call of communitarians is, however, to think globally but act locally, stressing that many global environmental problems manifest both local and global causes and that international efforts to resolve these issues do not diminish the importance of local efforts or relieve local communities from their moral obligation to act to address such problems.

24. Another view provides that the main duty owed to our successors is the saving of sufficient material capital to maintain just institutions, that is, fair systems of governance, over time: the so-called principle of just savings.[13] Such savings can take various forms, from net investment in machinery and other means of production to investment in learning and education. While material capital is emphasized, this operates so that each generation preserves the gains of culture and society, maintains intact the fair systems of governance that have been established and puts aside in each period of time a suitable amount of real capital accumulation. Originally developed for a national entity, this view was subsequently extended to a global level and applied to the environmental context. The outcome of this stipulation is the fundamental principle of intergenerational equity, whereby each generation should bequeath to its successors a planet in at least as good a condition as that generation received it.[8] This general principle has been fleshed out in three parts, as follows:

(a) *Conservation of options*. Each generation should be required to conserve the diversity of the natural and cultural resource base so that it does not unduly restrict the options available to future generations for solving their problems and satisfying their own values; future generations should also be entitled to a diversity comparable to that enjoyed by previous generations;

(b) *Conservation of quality*. Each generation should be required to maintain the quality of the planet so that it is passed on in no worse a condition than that in which it was received and should be entitled to planetary quality comparable to that enjoyed by previous generations;

(c) *Conservation of access*. Each generation should provide its members with equitable rights of access to the legacy of past generations and should conserve this access for future generations.

25. It is useful to consider additional conclusions that could be drawn from this brief consideration of ethical views on the needs of future generations. First, because we cannot with great certainty ascertain the precise needs and preferences of future generations, we could in devising policies begin at the very least by taking into account two considerations: minimizing harm and doing that which benefits both present and future generations. That is, rather than seeking to identify and promote what might be the good life for future generations, the policy focus for policy from a perspective of future generations should be guided by the avoidance and minimization of harm. In practice, this would mean avoiding irreversible impacts on the ecosystems that provide the basis for human life, both now and in the future.

26. Second, consideration of the needs of future generations would favour policies that work to the advantage of both present and future generations and that, other

[13] John Rawls, *A Theory of Justice* (Cambridge, Massachusetts, Harvard University Press, 1971).

factors being roughly equal, are the least burdensome to the present generation. Third, where risks to the interests of future generations are reasonably clear and consequential, present generations should exercise forbearance, foregoing some benefits. This finds its expression in the precautionary principle, which is widely but not universally accepted. Activities that lead to irreversible harm to large and important ecosystems or that do significant damage to natural capital for which there is no ready substitute could be considered to fall into this category. The above considerations might also lead to taking up the options with least risk to achieve a given end.

27. Fourth, education also has a key role to play. Education is itself critical to intergenerational solidarity as the means of transmitting accumulated, or at least the most recent, scientific and other knowledge to future generations. Concern for future generations rests on an open and critical engagement with moral and ethical choices, carried out by informed stakeholders at all levels. Possible actions would involve strengthening civic education, education for sustainable development and leadership training to foster attitudinal changes that advance intergenerational solidarity and justice. In this context, it is important to promote education for sustainable development and global citizenship for children, young people and adults in order to meet the challenges of the twenty-first century. This includes increased freedom and tolerance, as well as the importance of protecting, promoting and maintaining tangible (which includes both natural and cultural heritage) and intangible cultural heritage for current and future generations.

28. Fifth, long-term scientific research and development form part of an intergenerational strategy. Such research is necessary to develop substitutes for depleted resources, to extract and use resources more efficiently and to understand and manage long-term threats to environmental quality.[8] While much of the research may take place in the private sector, there is a need for public support to catalyse transformative shifts in key areas, especially where there are market failures.

B. Economics

29. Economic models have informed and guided environmental policies, including policies on climate change mitigation and adaptation, since at least the early 1990s. Problems may arise with application of this framework of analysis in relation to irreversible impacts (e.g. losses of ecosystems such as coral reefs and systems whose value cannot be captured adequately in monetary terms). Moreover, it can be argued that decisions on, for example, combating climate change or biodiversity loss, cannot be determined by the costs of action alone because the understanding of costs is informed by assumptions about what we value.

30. Cost-benefit analysis is generally perceived as an objective approach to policymaking. It has, however, been emphasized that initial assumptions on which projections are based represent value judgements.[14] Such analyses involve the comparison between the cost of a given policy and the benefit: for example, the damage avoided. Given that damage may be distant in time, it is necessary to

[14] Nicholas Stern, "Ethics, equity and the economics of climate change", Centre for Climate Change Economics and Policy Working Paper No. 97 (2012). Available from www.cccep.ac.uk/Publications/Working-papers/Papers/90-99/WP97-ethics-equity-economics-of-climate-change.pdf.

quantify how much its avoidance would be worth in the present. This is done by applying a discount rate, reflecting that the more distant in time a benefit or damage avoided is, the less it is worth to us in the present given competing investment opportunities. A high discount rate implies relatively modest action to address a problem, while a low discount rate implies immediate and dramatic action. For example, a given loss incurred 100 years from now is 55 times smaller using a discount rate of 5.5 per cent compared with the result using a discount rate of 1.4 per cent. It is thus argued that, when a high discount rate is adopted in the analysis of climate change mitigation, people in the current generation are treated as more valuable than people in future generations.

31. More broadly, it has been argued that, when a policy raises predominantly normative, political and institutional questions as opposed to technical questions, cost-benefit analysis would not be effective.[15] Furthermore, the conventional cost-benefit rationale is unsuitable for the valuation of irreversibilities.[16] Overall, the rationale for selecting discount rates, whether based on observed market rates or otherwise, remains unsettled in the literature. In the context of the needs for future generations, however, there is a solid case to be made for lower discount rates, taking into account ethical concerns that the welfare of present generations should not be valued more highly than that of those in the future.

III. Existing arrangements and lessons learned

32. References to future generations are found in a range of legal instruments, including an increasing number of national constitutions. National institutions have also been established in various jurisdictions with mandates that relate to the protection of the interests of future generations.

A. Needs of future generations in international legal instruments

33. A variety of treaties and declarations at the regional and international levels already make reference to future generations.[17] The preamble to the Charter of the United Nations states that one of the founding purposes of the Organization is to save succeeding generations from the scourge of war. The Stockholm Declaration on the Human Environment (1972) refers to future generations in the context of the environment; its principle 1 expresses the common conviction that humanity bears a solemn responsibility to protect and improve the environment for present and future generations. Principle 3 of the Rio Declaration on Environment and Development (1992) states that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

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[15] Jonathan S. Masur and Eric Posner, "Climate regulation and the limits of cost-benefit analysis", *California Law Review*, vol. 99, No. 6 (2011), pp. 1557-1599.

[16] German Advisory Council on Global Change, *World in Transition: Environment and Ethics*, Special Report, 1999.

[17] This review greatly benefited from the research performed by Halina Ward and Peter Roderick in connection with the discussion paper entitled "Committing to the future we want: a high commissioner for future generations at Rio+20". Available from www.fdsd.org/2012/03/committing-to-the-future-we-want/.

34. The United Nations Framework Convention on Climate Change (1992) and the Convention on Biological Diversity (1992), as well as the United Nations Convention to Combat Desertification (1994) and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (1997), are prominent in highlighting the needs of future generations. The Declaration on the Responsibilities of the Present Generations towards Future Generations, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1997, directly addresses the issue. Other declarations, as well as the World Charter for Nature (1982), also address the need to protect future generations.

35. Other international agreements and declarations that refer to future generations and common heritage are the International Convention for the Regulation of Whaling (1946); the Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973); the African Convention on the Conservation of Nature and Natural Resources (1968); the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1977); the Convention on the Conservation of Migratory Species of Wild Animals (1979); the Convention on the Conservation of European Wildlife and Natural Habitats (1979); the Convention for the Protection of the Architectural Heritage of Europe (1985); the ASEAN (Association of Southeast Asian Nations) Agreement on the Conservation of Nature and Natural Resources (1985); the Convention for the Protection of the Marine Environment of the North-East Atlantic (1992); the Convention on the Transboundary Effects of Industrial Accidents (1992); the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992); the North American Agreement on Environmental Cooperation (1993); the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998); the Charter of Fundamental Rights of the European Union (2000); the Stockholm Convention on Persistent Organic Pollutants (2001); the WHO (World Health Organization) Framework Convention on Tobacco Control (2003); the Vienna Declaration and Programme of Action (1993); the Universal Declaration on Bioethics and Human Rights (2005); the Antarctic Treaty (1959); the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979); the United Nations Convention on the Law of the Sea (1982); and the Universal Declaration on the Human Genome and Human Rights (1997).

36. The breadth and the number of instruments demonstrate that concern for future generations has developed as a guiding principle of international norms. The existence of these documents also shows that, at least to some extent, States are not only willing to make but have already made international commitments for the sake of future generations. These references to future generations, however, appear for the most part in the preambles of the instruments and not in their operative text. At the international level, there exists no legally binding instrument that specifically commits States to the protection of future generations.

B. Legal provisions at the national level

37. A number of countries have incorporated references to future generations in their constitutions. For instance, Bolivia (Plurinational State of), Ecuador, Germany, Kenya, Norway and South Africa have enshrined the rights of future generations

within their constitutions. In accordance with article 9 of the Constitution of the Plurinational State of Bolivia, the responsible use of natural resources, the promotion of industrialization and the conservation of the environment for the welfare of current and future generations are among the purposes and functions of the State. In its article 317, the Constitution of Ecuador provides that, in the management of non-renewable resources, the State shall give priority to responsibility between generations, the conservation of nature, the charging of royalties or other non-tax contributions and corporate shares. Its article 400 states that the State shall exercise sovereignty over biodiversity, the administration and management of which shall be conducted on the basis of responsibility between generations. Article 110 (b) of the Constitution of Norway provides that every person has a right to an environment that is conducive to health and that natural resources are to be managed on the basis of comprehensive long-term considerations, with this right safeguarded for future generations as well. Article 20 (a) of the Basic Law of Germany provides that the State should take responsibility for protecting the natural foundations of life and animals in the interest of future generations, with the phrase "foundations of life" understood to embrace all components of the environment necessary for the maintenance of life over long periods; thus the provision places responsibility for protection of the natural environment on the State. The Constitution of South Africa states that everyone has the right to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures. Similarly, the Constitution of Kenya provides for the right to a clean and healthy environment, which includes protection of the environment for the benefit of present and future generations through legislative and other measures.

38. Examples of references to future generations are found in the constitutions of the States of Hawaii and Montana in the United States of America. Future generations are also referenced in environmental framework legislation, such as the United States National Environmental Policy Act[18] and the South African National Environmental Management Act.[19]

C. National institutions for future generations

39. Canada, Finland, Hungary, Israel, New Zealand and Wales (United Kingdom of Great Britain and Northern Ireland) either have or have had an office that serves to protect the needs of future generations. While no specific office has been established in the Philippines, the judiciary in a well-known case accepted the protection of natural resources in the name of future generations. There are also developments in other countries, such as in Norway, regarding the establishment of an institution for future generations.

40. New Zealand established the position of Parliamentary Commissioner for the Environment in 1986. While not explicitly addressing the needs of future generations, the Parliamentary Commissioner is committed to work that addresses

[18] Section 101 (a) of the Act provides that it is the continuing policy of the Federal Government, inter alia, to fulfil the social, economic and other requirements of present and future generations of Americans.

[19] The preamble of the Act states that everyone has the right to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures.

such needs, functioning in a manner similar to an ombudsman. The primary role of the Parliamentary Commissioner is investigative. The office collects information about the environment, reviews the Government's management of resources and inquires into specific environmental issues or problems. The Commissioner also has an advisory role, and can encourage remedial actions and make reports to the House of Representatives.

41. The Committee for the Future was established in Finland in 1993. Its role is relatively limited. Although it may investigate development factors and development models of the future and may conduct assessments of technological development and the effects on society of technology, it deliberates with the parliament only upon request.

42. In Canada, the Commissioner of the Environment and Sustainable Development, a position established in 1995, is located within the Office of the Auditor General and conducts performance audits. The Commissioner is responsible for assessing whether departments of the Federal Government are meeting their sustainable development objectives and for overseeing the environmental petitions process. The Commissioner may also process citizens' petitions on environmental matters in the context of sustainable development and monitor the responses of federal ministers.

43. Israel, in 2001, was the first country to establish a commission for future generations, with a judge as the commissioner. The primary function of the Commission was for the most part investigative. The Commission was given the task of reviewing the ramifications of legislation and its effects on future generations and was also tasked with defining the areas of interest to future generations. The Commission had investigative power, such as the ability to demand information from State agencies. The Commission also had considerable advisory power, however. It could provide the parliament with recommendations and voice opinions on legislative drafts and acts. In its investigative and advisory roles, the Commission also claimed a right to voice an informed opinion on legislation that might affect future generations. The delay involved in collecting data and undertaking an evaluation meant that the Commission could impact upon the drafting of legislation in a manner similar to the filibuster tactics used in the United States Senate. The first Commissioner's term ended in 2006. In 2007, the parliament disbanded the Commission.

44. Hungary established the position of Parliamentary Commissioner for Future Generations in 2008. The primary task of the Commissioner, one of four parliamentary ombudsmen, was to protect the constitutional right to a healthy environment. In this capacity, the Commissioner could investigate citizens' complaints on environmental issues. This investigative capacity was considerably enhanced, such as by the assignment of authority to obtain information and enter property. The other main task of the Commissioner was to advocate policy that is sustainable and considerate of the needs of future generations. To advance both of these tasks, the Commissioner was tasked with the development and collection of research and the preparation of reports on the environment, sustainability and policy development in legislation. In 2012, the Commissioner's office, along with those of the other parliamentary commissioners, was replaced by a single, broader entity, the Office of the Commissioner for Fundamental Rights. The new Commissioner is to pay special attention to the protection of the values determined as the interests of

future generations, and his or her deputy is tasked with the specific role of protecting the interests of future generations.

45. The Government of Wales, United Kingdom, which has a legal obligation to promote sustainable development, established the position of Commissioner for Sustainable Futures in April 2011. The Commissioner's primary role is to provide leadership and advice on sustainable development. The Commissioner meets regularly with stakeholders, develops voluntary partnerships and coalitions and promotes sustainable development within civil society and the Government of Wales. The Commissioner also advises the Government on policy and approaches to sustainable development, with a particular focus on long-term implementation.

46. In Norway, the Ombudsman for Children possesses statutory powers to investigate individual complaints and also monitors legislation and policy affecting children. Proposals have been made by civil society for the establishment of an ombudsman for future generations.

47. In Germany, the Parliamentary Advisory Council on Sustainable Development, established by the parliament in 2009, is intended to serve as the advocate of long-term responsibility in the political process. Among other things, the Advisory Council provides support in the parliamentary process in regard to the Federal Government's National Sustainable Development Strategy and may also present recommendations on medium- and long-term planning. The Advisory Council evaluated the sustainability impact assessment mandated for all legislation and statutory orders. This assessment, based on the national sustainable development strategy, encompasses four areas: fairness between generations; social cohesion; quality of life; and international responsibility. The recommendations of the Advisory Committee on sustainability impact assessments remain advisory in nature because the relevant parliamentary rules do not specify the degree to which its recommendations must be taken into account by other parliamentary committees.

48. A number of initiatives and institutions relating to the needs of future generations exist at various levels. One example is the Oxford Martin Commission for Future Generations,[20] comprising a number of eminent persons, which aims to foster longer-term thinking and to identify ways forward in key areas, such as climate, trade, security and in other negotiations. The Commission is due to report towards the end of 2013. Another is the inaugural report of the Australian National Sustainability Council, which examines the evidence behind the trends, issues and challenges affecting the environment, society, economy and collective well-being as a basis for discussion of the type of society that Australians want for themselves and for future generations.

D. Children and young people

49. The welfare of future generations is in a large part determined by our treatment of children of current generations, which means that caring for future generations should have a special focus on investing in the human rights and development of the children of today. Concern for children in the context of intergenerational justice has surfaced in international human rights instruments, notably the Convention on the Rights of the Child.

[20] See www.oxfordmartin.ox.ac.uk/commission.

50. Understanding linkages between parents and children is crucial. Studies confirm strong connections between maternal and child health, as well as the educational level of mother and child, especially in developing countries.[21] Parental well-being determines to a great extent options available to the children, including mechanisms of intergenerational poverty transmission. Maternal health and education, as well as the overall quality of parent-child relationships, should be addressed as an integral component and a crucial contributor to intergenerational solidarity.

51. Another important aspect of intergenerational solidarity is the participation of children and young people in the implementation of sustainable development activities. As recognized by leaders at the United Nations Conference on Sustainable Development, the voices, choices and participation of children and young people are critical to a sustainable future. Indeed, paragraph 50 of the outcome document of the Conference, entitled "The future we want", is very explicit:

> We stress the importance of the active participation of young people in decision-making processes, as the issues we are addressing have a deep impact on present and future generations and as the contribution of children and youth is vital to the achievement of sustainable development. We also recognize the need to promote intergenerational dialogue and solidarity by recognizing their views.

52. It is important to mention that, during the Conference, it was the civil society major group for children and youth, together with the Alliance for Future Generations, which put forward the proposal for a high commissioner for future generations. Children of today, whether subsumed into future generations or not, deserve significant attention in the context of sustainable development and the post-2015 development agenda.

E. Proposals relating to a high commissioner for future generations

53. At its second session, in March 2011, the Preparatory Committee for the United Nations Conference on Sustainable Development decided to invite all Member States, relevant organizations of the United Nations system and stakeholders to provide their inputs and contributions for inclusion in a compilation document to serve as the basis for the preparation of a zero draft of the Conference outcome document (A/CONF.216/PC/9, decision 2/1).[22] In their contributions, several Member States stressed the need for the Conference to address the needs and rights of future generations. In this regard, a proposal was put forward for an institution to safeguard the long-term interest and needs of future generations at the global level. While echoed and supported by a number of Governments and many civil society groups, the proposal for a high commissioner for future generations was spearheaded by the major group for children and youth and the Alliance for Future Generations.

[21] Uchenna Onuzo and others, *Intergenerational Equity: Understanding the Linkages between Parents and Children: A Systematic Review* (London School of Economics and Political Science, April 2012). Available from www.unicef.org/socialpolicy/files/LSE_Capstone_Intergenerational_Equity.pdf.

[22] All submissions are available from www.uncsd2012.org/compdocument.html.

54. The major group for children and youth called for the establishment, at the national level, of ombudspersons for future generations who would be mandated to provide an assessment of the long-term impacts of public policies and legislative proposals. They would also respond to citizens' petitions, investigating claims of environmental crimes and offences and engaging in either conciliation or litigation. This call was supported by other stakeholder groups, as was the need for independent actors with legal powers. The establishment of these ombudspersons would be partly supported by the high commissioner for future generations whose office would have both an agenda-setting and advisory role.

55. The call was reiterated in the declaration adopted at the sixty-fourth annual Conference of the Department of Public Information for Non-Governmental Organizations, held in Bonn, Germany, from 3 to 5 September 2011 (A/66/750, annex). The declaration called for the establishment, at the global, national and local levels, of ombudspersons for future generations who would advocate sustainable development, as envisaged and defined by the World Commission on Environment and Development, with the aim of enhancing the well-being and prospects of present and future generations to meet their needs, as well as serve as an auditor at the heart of government and deal with citizens' complaints.

56. As argued by many civil society groups, a high commissioner would further the global objectives of intergenerational justice by encouraging a focus on issues that are of critical importance to the well-being of future generations but that are often sidelined within the structure and procedures of current political and legal systems. The existence of such an office at the United Nations would help to address, in a focused manner, the long-term consequences of present-day actions by drawing attention to future impacts in tangible, non-abstract terms and by rallying support for the integration of sustainability into planning decisions by Governments, businesses and individuals. The office would also play an advocacy role by highlighting the moral imperative of leaving behind a healthy world in which future generations would live out their lives. Lastly, such an office might function best in the context of the United Nations, where the vision of a better tomorrow and planning for future generations are in keeping with the Charter and are among the driving values of the Organization.[23]

57. Two high commissioners already exist within the United Nations system: the United Nations High Commissioner for Refugees, since 1951, and the United Nations High Commissioner for Human Rights, since 1993. Although neither model can be considered a potential analogue, it is argued that the elements of their existing responsibilities could offer direct inspiration for the powers and responsibilities of a high commissioner for future generations. It is proposed that the core powers and responsibilities of a high commissioner for future generations encompass: (a) international agenda-setting and leadership; (b) monitoring, early warning and review; (c) public participation; (d) capacity for innovation at the national and subnational levels; (e) public understanding and evidence; and (f) reporting.[23]

58. As presented, a high commissioner for future generations, as an international entity within the United Nations system, would have a scope of action significantly

[23] Discussion paper submitted to the United Nations Conference on Sustainable Development. See note 17.

different from that of the national institutions that serve the needs of future generations. Proponents maintain that the political dynamics, responsibilities and powers of national institutions would largely be absent at the international level, with a high commissioner playing a more limited role. A review of national institutions, while useful for several reasons, should not be regarded as necessarily reflecting or predicting the difficulties, successes or functions of an international institution.

59. National attempts to institutionalize concern for future generations are, however, illustrative of factors that may also be at play in the establishment of a similar institution at the international level. First, the number of countries that have established such institutions, in various forms, may be considered relevant. Second, how the idea has been implemented structurally and procedurally can provide a useful guide to key considerations for policymakers. Lastly, the practical success and difficulties can highlight potential areas of concern.

60. Various other approaches could be advanced to meet the needs of future generations, including raising awareness of and increasing the focus on future generations within existing institutions and offices, recognizing the needs of young people and future generations in the sustainable development goals, or establishing a special envoy. Proponents for the establishment of a high commissioner for future generations, however, argue that the more limited or aspirational approaches, while beneficial, have generally proved to be ineffective in addressing the needs of future generations.[23]

61. At the Conference, closely related to the call for a high commissioner was the proposal for a sustainable development champion who could raise awareness and mobilize political support. In a similar way, some stakeholders called for appointment of a high-level official to lead a review of the achievements and shortcomings of United Nations programmes designed to support young people and future generations and to champion recommendations on how to address more effectively the challenges hindering the development and participation of young people.

IV. Options for a way forward

62. The present report discusses multiple ways in which Member States and the United Nations system could enhance intergenerational solidarity, drawing on lessons learned at analogous institutions at the subnational, national and regional levels. Within this broad context, a range of options could be considered by Member States, including those set out below.

63. *Commissioner*. During the preparatory process for the United Nations Conference on Sustainable Development, one of the proposals put forward, which received strong support from civil society, was the establishment of a high commissioner for future generations:

(a) The high commissioner could act as an advocate for intergenerational solidarity through interactions with Member States and other stakeholders, as well as across United Nations entities and specialized agencies;

(b) Such an office could undertake research and foster expertise on policy practices to enhance intergenerational solidarity in the context of sustainable

development at the international, regional, national and subnational levels and disseminate such expertise, as deemed appropriate;

(c) The office could, at the request of the United Nations or any of its entities, the specialized agencies or affiliated organizations, offer advice on the implementation of existing intergovernmental commitments to enhance the rights and address the needs of future generations;

(d) The office could, upon request, also offer its support and advice, including to individual Member States, on best practices and on policy measures to enhance intergenerational solidarity.

64. The office would not have a field presence or receive reports from Member States, unless on a voluntary basis. The establishment of a high commissioner and the related office would require adequate financing in order to ensure the quality of its services.

65. *Special envoy*. A related option, but with less of an institutional footprint, could be the appointment of a special envoy of the Secretary-General for future generations. The special envoy would serve as a global independent advocate for intergenerational solidarity, with a particular concern for the welfare of future generations, and would promote and facilitate the inclusion of best practices in policymaking at all levels. The special envoy would promote and facilitate the engagement and full participation of all stakeholders in United Nations processes related to intergenerational solidarity and future generations, such as the high-level political forum on sustainable development, and conduct public advocacy to raise awareness of the measures needed at the global level. The special envoy would report annually to the General Assembly and also, upon request, to the high-level political forum. The special envoy would be appointed for a fixed period of time. The Secretary-General's Special Envoy on Youth is tasked with advocating the needs of today's young people, namely, education, employment and respect for their rights. The mandate of a special envoy on future generations, while to some degree encompassing the needs of young people, would not be limited to the needs of a particular generation. The role of such an envoy would be to consider the impact of a far broader range of considerations, touching potentially also on the needs of future generations.

66. *Agenda item in high-level political forum*. The high-level political forum could address intergenerational solidarity and the needs of future generations as a recurring agenda item; this would serve to keep the issue on the agenda of international decision-making and promote its integration within the sustainable development framework. Specifically, intergenerational solidarity and future generations could be addressed through thematic plenary or round-table discussions and result in possible recommendations that could be included in the forum's declarations.

67. *Inter-agency coordination with regard to the needs of future generations*. The Secretary-General could be invited to promote intergenerational solidarity and future generations within the United Nations system through the United Nations System Chief Executives Board for Coordination and its mechanisms so as to ensure policy coherence within the system.

Recommendation

68. **Member States may wish to invite the high-level political forum to consider, at its second meeting, in 2014, the possible institutional arrangements proposed herein and other suitable mechanisms to promote intergenerational solidarity for the achievement of sustainable development, taking into account the needs of future generations.**